

COZEN O'CONNOR
VINCENT R. McGUINNESS, ESQUIRE (VRM-5551)
Attorney for Plaintiff
1900 Market Street
Philadelphia, PA 19103
215-665-2097

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CONTINENTAL INSURANCE
COMPANY

Plaintiff

v.

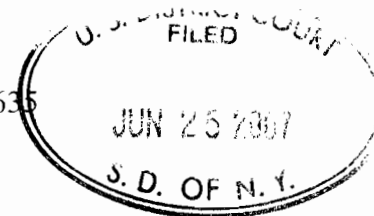
ATLANTIC CASUALTY
INSURANCE COMPANY

Defendant

Civil Action No.: 07-CV-3635

Honorable Denny Chin

NOTICE OF MOTION FOR
ADMISSION OF COUNSEL
PRO HAC VICE



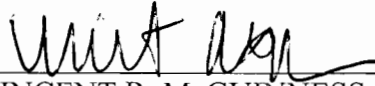
PLEASE TAKE NOTICE, that upon the annexed Affidavit of Erick J. Kirker, Esquire, sworn to June 22, 2007, the Affidavit of Vincent R. McGuinness, Esquire, sworn to June 22, 2007, and all pleadings and proceedings heretofore had herein, the undersigned will move the Court for an Order of the Court granting Plaintiff's motion to admit Erick J. Kirker, Esquire, a member in good standing of the Bars of the Commonwealth of Pennsylvania and the State of New Jersey, to appear and act as counsel in the above-captioned case *pro hac vice* pursuant to Federal Rules of Civil Procedure for the United States District Court for the Southern District of New York, and for such other and further relief as this Court deems just and equitable and in furtherance of the ends of justice.

PLEASE TAKE FURTHER NOTICE, that answering affidavit, if any, are to be served upon the undersigned attorneys at least seven (7) days before the return date of this motion.

[Signature on following page]

Dated: Dated: Philadelphia, PA
June 22, 2007

COZEN O'CONNOR

A handwritten signature in black ink, appearing to read "Vincent R. McGuinness", written over a horizontal line.

VINCENT R. McGUINNESS (VRM-5551)

1900 Market Street
The Atrium – 3rd Floor
Philadelphia, PA 19103
(215) 665-2097
Attorney for Plaintiff

COZEN O'CONNOR
VINCENT R. McGUINNESS, ESQUIRE (VRM-5551)
Attorney for Plaintiff
1900 Market Street
Philadelphia, PA 19103
215-665-2097

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CONTINENTAL INSURANCE	:	
COMPANY	:	Civil Action No.: 07-CV-3635
	:	
Plaintiff	:	Honorable Denny Chin
v.	:	
	:	
ATLANTIC CASUALTY	:	<u>AFFIDAVIT OF</u>
INSURANCE COMPANY	:	<u>ERICK J. KIRKER</u>
	:	
Defendant	:	

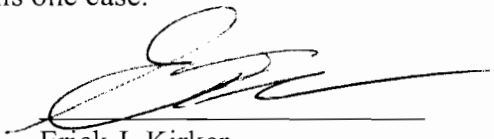
COMMONWEALTH OF PA.	:	
	:	SS
PHILADELPHIA COUNTY	:	

I, Erick J. Kirker, Esquire, being duly sworn, depose and say:

1. I am a member of the law firm of Cozen O'Connor.
2. I submit this affidavit in support of my motion for admission to practice pro hac vice in the above-captioned matter.
3. As shown in the Certificates of Good Standing annexed hereto I am a member in good standing of the Bar of the State of New Jersey and the Commonwealth of Pennsylvania.
4. There are no pending disciplinary proceedings against me in any State or Federal court.

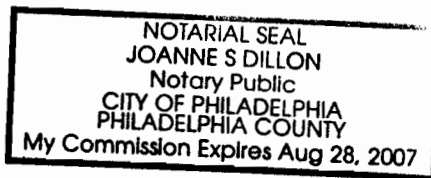
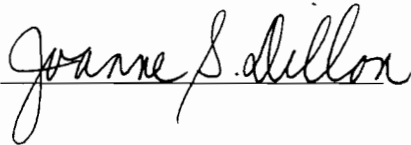
5. If the Court shall allow my Motion to Appear *pro hac vice* in the above-captioned matter, with reference to all matters, incidents or proceedings, I agree that I shall be subject to the orders and the United States District Court for the Southern District of New York in all respects as if I were regularly admitted and a licensed member of the United States District Court for the Southern District of New York in good standing.

6. Wherefore, your affiant respectfully submits that he be permitted to appear as counsel and advocate pro hac vice in this one case.



Erick J. Kirker
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
ekirker@cozen.com
215-665-2172

Sworn to before me on this
22 day of June 2007





Supreme Court of Pennsylvania

CERTIFICATE OF GOOD STANDING

Erick J. Kirker, Esq.

DATE OF ADMISSION


October 30, 1998

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: June 8, 2007


Patricia A. Johnson
Chief Clerk

Supreme Court of New Jersey

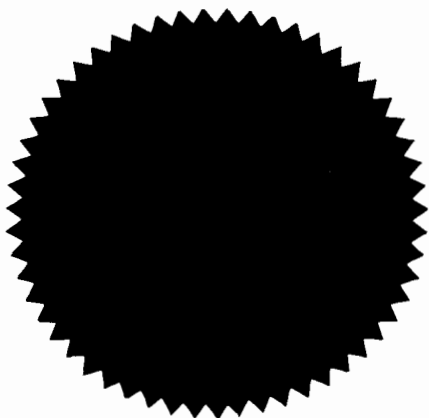


Certificate of Good Standing

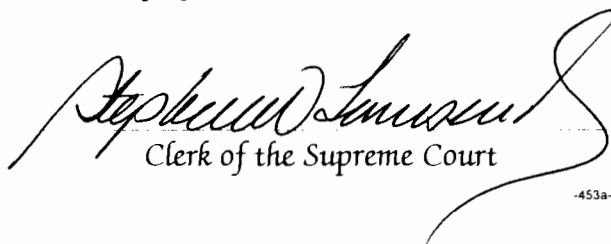
This is to certify that **ERICK J KIRKER**
(No. **024351998**) was constituted and appointed an Attorney at Law of New
Jersey on **June 22, 2000** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
13TH day of **June**, 20 **07**


Clerk of the Supreme Court

COZEN O'CONNOR
VINCENT R. McGUINNESS, ESQUIRE (VRM-5551)
Attorney for Plaintiff
1900 Market Street
Philadelphia, PA 19103
215-665-2097

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CONTINENTAL INSURANCE	:	
COMPANY	:	Civil Action No.: 07-CV-3635
	:	
Plaintiff	:	Honorable Denny Chin
v.	:	
	:	
ATLANTIC CASUALTY	:	<u>AFFIDAVIT OF</u>
INSURANCE COMPANY	:	<u>VINCENT R. McGUINNESS</u>
	:	
Defendant	:	
	:	

Vincent R. McGuinness, Esquire, being duly sworn, deposes and says as follows:

1. I am an attorney duly licensed to practice law in the State of New York, and an attorney with the law firm of Cozen O'Connor, attorneys for the Plaintiff, Continental Insurance Company, in the above-entitled action.

2. I am fully familiar with the facts and circumstances as hereinafter set forth, and make this Affidavit in support of the Plaintiff's motion to have Erick J. Kirker, Esquire, admitted of counsel, *Pro Hac Vice*, with respect to the above-entitled action.

3. The affiant has been acting as local counsel with respect to this matter, and respectfully requests that the Court allow Erick J. Kirker, Esquire to be admitted *Pro Hac Vice* for purposes of serving as counsel for Plaintiff, Continental Insurance Company.

4. The affiant has known Mr. Kirker to be an excellent attorney who has a great deal of experience with respect to the issues being presented in the present lawsuit and is a

member in good standing of the Bars of the Commonwealth of Pennsylvania and the State of New Jersey.

5. The affiant respectfully submits to the Court that Mr. Kirker is not only an excellent attorney, but is a person of unimpeachable character who would do justice to both their client and the Bar. The Court is respectfully referred to the attached Affidavit regarding Mr. Kirker's qualifications with the respect to the subject claims.

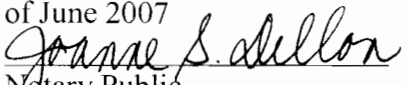
6. The affiant respectfully requests that Erick J. Kirker, Esquire be admitted *Pro Hac Vice* in the above-entitled action to serve as counsel with respect to the subject claims.

WHEREFORE, Vincent R. McGuinness, Esquire respectfully requests that the Court grant an Order allowing the admission, *Pro Hac Vice*, of Erick J. Kirker, Esquire to the United States District Court for the Southern District of New York to practice with respect to the above-captioned action, together with such other and further relief as the Court may deem just and proper.

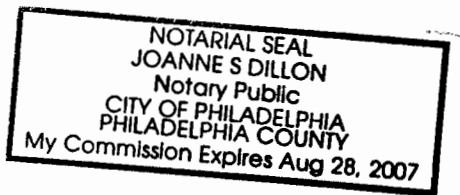
Dated: Dated: Philadelphia, PA
June 22, 2007



VINCENT R. McGUINNESS (VRM-5551)

Sworn to before me this 22 day
of June 2007


Notary Public



CERTIFICATE OF SERVICE

I, VINCENT R. McGUINNESS, do hereby certify that a copy of the foregoing Plaintiff's Motion for Pro Hac Vice has been served upon all parties of record this 22nd day of June, 2007 by First Class Mail, postage pre-paid addressed as follows:

Eric W. Drewniak, Esquire
NIXON PEABODY, LLP
437 Madison Avenue
New York, NY 10022
Counsel for Atlantic Casualty Insurance Company



VINCENT R. McGUINNESS (VRM-5551)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CONTINENTAL INSURANCE	:	
COMPANY	:	Civil Action No.: 07-CV-3635
	:	
Plaintiff	:	Honorable Denny Chin
v.	:	
	:	
ATLANTIC CASUALTY	:	<u>ORDER</u>
INSURANCE COMPANY	:	
	:	
Defendant	:	

THIS MATTER comes before me upon motion of the Plaintiff, Continental Insurance Company to permit Erick J. Kirker, Esquire, a member in good standing of the Bar of the Commonwealth of Pennsylvania and the State of New Jersey to appear and conduct proceedings in the above-entitled case *Pro Hac Vice*. It appearing from the affidavits submitted in support of this motion that Erick J. Kirker, Esquire is a duly admitted member in good standing of the Bars of the Commonwealth of Pennsylvania and the State of New Jersey and that there is good cause for the relief sought, and further that the movant has certified that Erick J. Kirker, Esquire is ready to proceed and that, therefore, the granting of this motion will not delay this action;

IT IS, this ____ day of _____, 20__ ORDERED that Erick J. Kirker, Esquire be admitted to appear *Pro Hac Vice* in connection with the above-entitled case.

DATED: New York, New York
 , 2007

, J.